

CHAPTER 72

THE CIVIL PROCEDURE AND LIMITATION (MISCELLANEOUS PROVISIONS) ACT.

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CHAPTER 72

THE CIVIL PROCEDURE AND LIMITATION (MISCELLANEOUS PROVISIONS) ACT.

Commencement: 28 April, 1969.

An Act to provide for the giving of notice before certain suits are instituted; for the limitation of certain actions; for the protection against actions of persons acting in the execution of public duties and for purposes incidental to or connected with the matters aforesaid.

1. Interpretation.

- (1) In this Act, unless the context otherwise requires—
 - (a) “local authority” means a local council within the meaning of the Local Governments Act;
 - (b) “scheduled corporation” means a corporation mentioned in the Third Schedule to this Act.

(2) For the purposes of this Act, a person shall be deemed to be under a disability while he or she is an infant, or of unsound mind.

(3) For the purposes of subsection (2), but without prejudice to the generality of that subsection, a person shall be conclusively presumed to be of unsound mind while he or she is detained in pursuance of any enactment authorising the detention of persons of unsound mind or criminal lunatics.

2. Notice prior to suing.

- (1) After the coming into force of this Act, notwithstanding the provisions of any other written law, no suit shall lie or be instituted against—
 - (a) the Government;
 - (b) a local authority; or
 - (c) a scheduled corporation,

until the expiration of forty-five days after written notice has been delivered to or left at the office of the person specified in the First Schedule to this Act, stating the name, description and place of residence of the intending plaintiff, the name of the court in which it is intended the suit be instituted, the facts constituting the cause of action and when it arose, the relief that will be claimed and, so far as the circumstances admit, the value of the subject

matter of the intended suit.

(2) The written notice required by this section shall be in the form set out in the Second Schedule to this Act, and every plaint subsequently filed shall contain a statement that such notice has been delivered or left in accordance with the provisions of this section.

3. Limitation of certain actions.

- (1) No action founded on tort shall be brought against—
 - (a) the Government;
 - (b) a local authority; or
 - (c) a scheduled corporation,

after the expiration of two years from the date on which the cause of action arose.

(2) No action founded on contract shall be brought against the Government or against a local authority after the expiration of three years from the date on which the cause of action arose.

4. Actions against public officers.

Where, after the commencement of this Act, any action, prosecution or other proceeding is commenced against any person for any act done in pursuance or execution or intended execution of any Act or other written law, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such act or other written law, duty or authority, the action, prosecution or proceeding shall not lie or be instituted unless it is instituted within six months after the act, neglect or default complained of, or in the case of a continuance of injury or damage, within three months after the ceasing of the injury or damage.

5. Extension of limitation period in case of disability.

If on the date when any right of action accrued for which a period of limitation is prescribed by this Act the person to whom it accrued was under a disability, the action may be brought at any time before the expiration of twelve months from the date when the person ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period of limitation has expired; except that—

- (a) this section shall not affect any case where the right of action first

accrued to some person (not under a disability) through whom the person under a disability claims;

- (b) when a right of action which has accrued to a person under a disability accrues, on the death of that person while still under a disability, to another person under a disability, no further extension of time shall be allowed by reason of the disability of the second person;
- (c) no action to recover land or money charged on land shall be brought by virtue of this section by any person after the expiration of thirty years from the date on which the right of action accrued to that person or some person through whom he or she claims;
- (d) this section shall not apply to any suit to recover a penalty or forfeiture, or sum by way thereof, by virtue of any enactment, except where the action is brought by an aggrieved party.

6. Postponement of limitation period in case of fraud or mistake.

(1) Where, in the case of any action for which a period of limitation is prescribed by this Act, either—

- (a) the action is based upon the fraud of the defendant or his or her agent or of any person through whom he or she claims or his or her agent;
- (b) the right of action is concealed by the fraud of any such person as is mentioned in paragraph (a) of this section; or
- (c) the action is for relief from the consequence of a mistake,

the period of limitation shall not begin to run until the plaintiff has discovered the fraud or the mistake, or could with reasonable diligence have discovered it.

(2) Notwithstanding subsection (1), nothing in this section shall enable any action to be brought to recover, or enforce any charge against, or set aside any transaction affecting, any property which—

- (a) in the case of fraud, has been purchased for valuable consideration by a person who was not a party to the fraud and did not at the time of the purchase know or have reason to believe that any fraud had been committed; or
- (b) in the case of mistake, has been purchased for valuable consideration, subsequently to the transaction in which the mistake was made, by a person who did not know or have reason to believe that the mistake had been made.

7. Minister's power to vary, etc. Schedules.

The Minister may, by statutory order—

- (a) vary any item in the First Schedule to this Act;
- (b) alter the form set out in the Second Schedule to this Act; and
- (c) delete any item from or add any item to the Third Schedule to this Act.

8. Effect of adding or deleting items from the Third Schedule.

Where the Minister makes a statutory order in the exercise of his or her powers under section 7 in respect of the Third Schedule to the Act, the following provisions shall have effect—

- (a) if an item is added to the Schedule, and immediately before the commencement of the order the time for bringing any proceedings had not already expired under any law relating to limitation of actions then in force, and the bringing of the proceedings is barred by this Act, the proceedings may be instituted before the expiration of twelve months from the commencement of the order; but nothing in this section shall enable any proceedings to be instituted where the time for bringing the proceedings would have expired apart from this Act;
- (b) if any item is deleted from the Schedule, the deletion shall not enable any action to be brought which was barred by this Act before the making of the statutory order.

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SCHEDULES

First Schedule.

s. 2(1).

Person at or to whose office notice to be delivered or sent.

Intended defendant	Person at or to whose office notice to be delivered or sent
The Government	Attorney General
A local administration	Chief administrative officer
A municipal council	Town clerk of the council
A scheduled corporation	Secretary of the corporation

Second Schedule.

s. 2(2).

Notice to Intended Defendant.

(Under section 2 of the Civil Procedure and Limitation (Miscellaneous Provisions) Act.

In the matter of an intended suit,

Between *(name)* _____, Plaintiff

and

(name) _____, Defendant

Take notice that _____
_____ *(name and description of intending plaintiff)* of _____
_____ *(address)* intends to institute a suit
against _____ *(name and description of intended defendant)* in the _____
court at _____ *(specify court)* by which
he/she will seek _____ *(state nature of relief that will be sought)*.

The facts constituting the cause of action, which arose on
_____ *(date)* are as follows— *(state them briefly, in numbered paragraphs)*.

The value of the subject matter of the intended suit is
_____ *(state appropriate value insofar as the case admits)*.

Dated this _____ day of _____, 20 ____ .

(Signature of intending Plaintiff or his or her Advocate)

Third Schedule.

ss. 6, 8.

Scheduled corporations.

Name of corporation	Act under which established
1. Allied Health Professional Council	Cap. 268
2. Architects Registration Board	Cap. 269
3. Bank of Uganda	Cap. 51
4. Capital Markets Authority	Cap. 84
5. Civil Aviation Authority	Cap. 354
6. Cotton Development Organisation	Cap. 30
7. Dairy Development Authority	Cap. 85
8. District Land Board	Cap. 227
9. Electoral Commission	Cap. 140
10. Hotel and Tourism Training Institute	Cap. 128
11. Institute of Certified Public Accountants of Uganda	Cap. 266
12. Institute of Teacher Education, Kyambogo	Statute 14/1993
13. Islamic University of Uganda	Cap. 131
14. Law Development Centre	Cap. 132
15. Makerere University	Act 32/1970
16. Management Training and Advisory Centre	Cap. 134
17. Mbarara University of Science and Technology	Statute 9/1991
18. Medical and Dental Practitioners Council	Cap. 272
19. National Agricultural Research Organisation	Cap. 205

Name of corporation	Act under which established
20. National Conference (The)	Cap. 261
21. National Council for Children	Cap. 60
22. National Council of Sports	Cap. 48
23. National Drug Authority	Cap. 206
24. National Enterprises Corporation	Cap. 312
25. National Environmental Management Authority	Cap. 153
26. National Medical Stores	Cap. 207
27. National Social Security Fund	Cap. 222
28. National Women's Council	Cap. 318
29. National Youth Council	Cap. 319
30. Nonperforming Assets Recovery Trust	Cap. 95
31. Nurses and Midwives Council	Cap. 274
32. Parliamentary Commission	Cap. 257
33. Public Libraries Board	Cap. 136
34. Trustees of Nakivubo War Memorial Stadium Trust	Cap. 47
35. Trustees of the National Cultural Centre	Cap. 50
36. Trustees of the Uganda Foundation for the Blind	Cap. 58
37. Uganda AIDS Commission	Cap. 208
38. Uganda Bureau of Statistics	Cap. 310
39. Uganda Coffee Development Authority	Cap. 325
40. Uganda Communications Commission	Cap. 106
41. Uganda Development Bank	Cap. 56

Name of corporation	Act under which established
42. Uganda Development Corporation Limited	Cap. 326
43. Uganda Export Promotion Board	Cap. 102
44. Uganda Insurance Commission	Cap. 213
45. Uganda Investment Authority (Investment Code)	Cap. 92
46. Uganda Land Commission	Constitution of 1995
47. Uganda Management Institute	Statute 6/1992
48. Uganda National Council for Science and Technology	Cap. 209
49. Uganda National Institute of Special Education	Cap. 138
50. Uganda Oil Board	Cap. 328
51. Uganda Registration Services Bureau	Cap. 210
52. Uganda Revenue Authority	Cap. 196
53. Uganda Tea Authority	Cap. 36
54. Uganda Tea Growers Corporation	Cap. 37
55. Uganda Tourist Board	Cap. 333
56. Uganda Trypanosomiasis Control Council	Cap. 211
57. Uganda Veterans Assistance Board	Cap. 212
58. Uganda Wildlife Authority	Cap. 200
59. Uganda Wildlife Training Institute	Cap. 139

History: Act 20/1969; S.I. 68/1969; S.I. 28/1978; S.I. 59/1983; S.I. 31/1992; S.I. 12/1993; S.I. 2/1994; S.I. 77/1998; Act 11/2000.

Cross Reference

Local Governments Act, Cap. 243.
